

ATTACHMENT 1.

LIST OF PROPOSED CONDITIONS

NOTE: THESE ARE DRAFT ONLY

DA NO: 2018/834

DATE: 28/02/2019

PRESCRIBED CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Architectural plans	AR-DA-A01-01 to AR-DA-P10-01	BVN	3 October 2018
Site plan	AR-DA-A10-02	BVN	3 October 2018
DA plan Stage 2A level 01	AR-DA-B10-01	BVN	20 September 2018
DA plan – Stage 2A roof	AS-DA-B10-03	BVN	12 March 2019
Landscape plans	5 Sheets	Oculus	September 2018
Landscape entry Level 2 plan	Sheet 4	Oculus	undated
Plan of detail and levels	Sheets 1 and 2	King and Campbell Pty Ltd	17 August 2018
Koala Plan of Management Charles Sturt University	6171	King and Campbell Pty Ltd	August 2018
Plan showing extent of proposed concrete shareway			undated
Review of additional ground gas assessment		JBS&G	17 December 2018
Bushfire Assessment Report		BlackAsh Bushfire Consulting	20 September 2018

Flora and Fauna Assessment	SLR Ref: 630.12431-R04	SLR Consulting Pty Ltd	October 2018
Crime Risk Assessment		NSW Police Force – Crime Prevention Officer	13 August 2018
Noise Impact Assessment		Savills	September 2018
Statement of Environmental Effects	6171	King and Campbell Pty Ltd	October 2018

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
 1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (4) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (5) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (6) (A013) The attached advice from the following authorities referenced below, is attached and form part of the consent conditions for this approval.
 - **NSW Rural Fire Service** - Reference D18/8134 DA18112216189 and dated 13 December 2018, are attached and form part of this consent.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Section 138 approval under the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (10) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (11) (A063) The disposal of wastewater from a commercial or industrial business to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999.

In this regard, whilst you have indicated that trade waste will not be discharged from the subject development, should you wish to discharge liquid trade wastes to Council's sewer in the future, a further application under Section 68 of the Local Government Regulation, 1999 will be required.

- (12) The proposal shall comply with the approved Koala Plan of Management.
- (13) The Applicant must ensure land fill gas monitoring is undertaken following completion of the construction of the development. The frequency of monitoring shall be no less than on a monthly basis and shall continue for no less than 12 months from occupancy or until Council advises that monitoring may cease. The Applicant shall provide results of the gas monitoring to Council for review.

B – PRIOR TO WORKS COMMENCING

- (1) (B001) Prior to works commencing, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and

sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
- Stormwater drainage termination point
- Easements
- Water main
- Proposed water meter location

- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to works commencing.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (~~width~~)
- Footway and gutter crossing
- Functional vehicular access

- (3) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to works commencing. This application is also to include an application for the disconnection of any existing service not required.
- (4) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to Council prior to works commencing.
- (5) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for Section 68 approval.
- (6) (B061) Prior to works commencing, submission of a Waste Management Plan to Council, in accordance with Council's current requirements.
- (7) (B071) Prior to works commencing, the provision of services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (8) (B085) The location of electricity substations are to be clearly illustrated on the construction plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (9) (B195) Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.
- (10) (B197) Council's sewer infrastructure shall be extended past the extent of works for this development (west of manhole PM82P008MH) to allow for a future sewer main extension. Detailed engineering plans are to be submitted to Water and Sewer Section for approval.

- (11) (B196) The existing sewer manholes located in the proposed car park shall be upgraded to facilitate trafficable conditions at no cost to Council.
- (12) (B199) To control vehicle movements on Ellis Parade, the approach to the intersection shall be line marked to indicate the position for cars turning left and right. Detailed construction plans shall be submitted as part of a Roads Act (s138) application for approval by Council as the Road Authority.
- (13) (B202) Provision of a 2.5m wide concrete shareway path in accordance with the approved plan. Construction Details shall comply with Aus-Spec and shall be provided as part of a S138, Roads Act application.
- (14) (B203) The footpath area to the "Major Innes Road Entry Plaza", i.e. pedestrian entry proposed of Major Innes Road shall comply with Aus-Spec footpath details. Details shall be provided as part of S138, Roads Act application.
- (15) (B204) The existing stop valves and hydrant lids located in the entry plaza shall be replaced with Councils nominated stop valve and hydrant lids at no cost to Council. Details shall be provided as part of the S138, Roads Act application.
- (16) (B205) The main internal road proposed, located to the eastern side of the building (running north –south) shall incorporate a temporary turning head at the end of the road to allow for vehicles to turnaround. Alternatively, details are to be provided to Council prior to works commencing as to how vehicle's such as delivery vehicles etc. are to manoeuvre to exit in a forward manner.
- (17) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (18) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

C – DURING WORK

- (1) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to an officer of the Council.
- (3) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
 - a. notify Council immediately when the breakage occurs, and
 - b. repair the damage at no cost to Council
- (4) (D037) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level)

in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.

- (5) (D040) Wastes shall not be disposed of by burning.

D – PRIOR TO OCCUPATION

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM).
- (3) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation.
- (5) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the approved plans.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved design.
- (6) (E051) Prior to occupation, a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (7) (E053) All public infrastructure works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to occupation or release of the security bond, whichever is to occur first.
- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to occupation.
- (9) (E061) Landscaped areas being completed prior to occupation.
- (10) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services

- c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (11) Prior to an Occupation of the building, the Applicant shall provide the Crown Certifier and Council with a Confined Space Management Plan demonstrating how the subsurface structures (eg. stormwater and other pits etc) will be managed for potential hazardous confined spaces in Section 5 of the JBS&G report Review of Additional Ground Gas Assessment – Charles Sturt University Port Macquarie Stage 2, 17 December 2018.
- (12) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to occupation of the building, of the Section 64 contributions, as set out in the “Notice of Payment – Developer Charges” schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks

E – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided at all times during the operations of development for use by both staff and patrons.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (4) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (5) (F019) Contaminated wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.
- (6) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council’s waste management facilities.
- (7) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (8) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (9) (F037) At no time is the intensity, period of intermittency and hours of illumination of signage to cause objectionable glare or injury to the amenity of the neighbourhood. The illuminated signage must be designed, installed and used in accordance with AS4282 - 1997 control of the obtrusive effects of

outdoor lighting. To this extent the signage must not flash and illumination shall cease at pm each night.

DRAFT

Developer Charges - Estimate

Applicants Name: CSU - King & Campbell
Property Address: Ellis Parade, Port Macquarie
Lot & Dp: Lot(s):1,DP(s):1240488
Development: Additions to educational establishment (CSU - Stage 2)



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	28.56	\$10,129.00 Per ET	\$289,284.20
2 Sewerage Scheme Port Macquarie	28.56	\$3,843.00 Per ET	\$109,756.00
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03		Contribution Not Applicable	
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$399,040.20

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

15-Mar-2019

Estimate Prepared By Clinton Tink

This is an ESTIMATE ONLY - NOT for Payment Purposes

- King & Campbell, Ellis Parade, Port Macquarie, 15-Mar-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL